REMARKS

Claims 1-25 are pending in this application. Currently no claims stand allowed. The Office Action dated January 13, 2005 rejected claims 1-25 and objected to claims 5 and 16. In this response Applicants have amended claims 5, 8, 10-11, 13, 16, and 20 and have added new claim 26. No new matter has been added by these amendments. After entry of this Amendment, claims 1-26 will be pending. Applicants submit that the pending claims are patentable for at least the reasons discussed below.

Objections

The Office Action objected to claims 5 and 16 because of informalities in language. Applicants have amended claims 5 and 16 herein to cure these informalities. In view of these amendments, Applicants respectfully request that the objections to claims 5 and 16 be withdrawn.

Rejections Under 35 U.S.C. § 112

The Office Action rejected claims 8-11, 13, 16-19, and 20 under 35 U.S.C. 112, second paragraph. Claims 8 and 10-11 have been amended to more distinctly claim the subject matter which Applicants regard as the invention. Claim 9, which does not include the term "another request" or "the other request" identified in the Office Action, has not been amended.

Applicants have added new claim 26, which depends from claim 12. Amended claims 13, 16, and 20 depend from claim 26, which provides proper antecedent basis for the terms "regular cache" and "hot cache." Claims 16 and 20 have been amended further to satisfy the concerns raised in the Office Action regarding antecedent basis. As amended, claim 16 provides proper antecedent basis for claims 17-19.

In view of these amendments, Applicants respectfully request that the rejections under 35 U.S.C. § 112 be withdrawn.

Rejections Under 35 U.S.C. § 102 of Claims 8-10, 12, 14-17, 21, and 25

The Office Action rejected claims 8-10, 12, 14-17, 21, and 25 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,370,620 to Wu et al. Applicants respectfully traverse these rejections.

Independent claim 8, as amended herein, includes "when the frequency of requests for static content exceeds a threshold, forwarding the request to a cache." The Office Action contends that Wu discloses this element, citing to column 6, lines 43-59. However, this section of Wu describes a technique in which a request for a web object is forwarded to a cache cluster if the reference count for requests for the object does *not* exceed a particular threshold. If the threshold is exceeded, the request is not forwarded. Wu, col. 6, lines 54-59 and line 65 through col. 7, line 2.

Independent claim 12 includes a content server that "sends content to the client in response to each request that is forwarded to the content server." In arguing that Wu teaches this element, the Office Action cites to Wu, column 4, line 48 through column 5, line 8 and to column 6, lines 21-28. However, while the cited material refers to an "originating web server" that sends an object to a web cache server, it does not describe an originating web server that sends an object to a client. Wu, col. 4, lines 56-58, 65-67; col. 6, line 26. The elements recited in claim 25 are similar to, albeit different from, the elements of claim 12.

Because Wu fails to disclose each element of the invention as claimed in claims 8, 12, and 25, these claims are not anticipated by Wu and therefore are now in condition for allowance. Furthermore, since claims 9-10 depend from claim 8, and since claims 14-17 and 21 depend from claim 12, these dependent claims are allowable for at least substantially the same reasons set forth above with respect to claims 8 and 12.

Rejections Under 35 U.S.C. § 103 of Claims 1-7, 11, 13, 18-20, and 22-24

The Office Action rejected claims 1 and 24 as being unpatentable over U.S. Patent No. 5,566,349 to Trout in view of U.S. Patent No. 6,374,241 to Lamburt et al. Claim 24 recites elements that are similar to, albeit different from, the elements recited in claim 1. Applicants respectfully traverse these rejections.

The subject matter of Trout is considerably removed from that of Applicants' invention. Trout appears to be directed towards the design of computer systems that support multiprocessing and concurrency, and accordingly its teachings are not reasonably pertinent to Applicants' invention. The Office Action fails to demonstrate that elements of claim 1 find support in Trout. For example, claim 1 includes "receiving a request for content and determining at least one type of the requested content." This is not taught by Trout, which refers to users issuing data resource requests to a multitasking computer system (col. 4, lines 35-37; col. 42, lines 19-28), but not to client computers requesting content from remote computers over a network.

Claim 1 further includes "forwarding the request to a content server that enables access to the dynamic content" when the requested content is determined to be of dynamic type and "forwarding the request to a plurality of caches that enable access to the static content" when the requested content is determined to be of static type. This is similarly not taught or suggested by the cited section of Trout, which makes no reference to content, servers, caches of content, or forwarding of content requests (including forwarding of content requests to different locations depending on the content type). Instead, Trout describes a data storage processor that is configured to retrieve data from the processor's own cache memory (col. 12, lines 10-12). Applicants note that "content," as defined in Applicants' specification, "includes information that may be found on one or more WWW servers such as Web pages" (Specification, p. 10, line 23).

Lamburt is directed towards techniques for updating online databases. The Office Action contends that Lamburt teaches the use of "at least one hot cache" as recited in claim 1 and

that "one of ordinary skill in the art . . . would have been motivated to have a plurality of caches including at least one hot cache in the system as taught by Trout." (Office Action, p. 6.) However, the Office Action has not provided any explanation of why such a motivation to combine the Trout and Lamburt references would have been present, given that Trout and Lamburt are concerned with entirely different fields of endeavor, both of which are in turn different from the field to which Applicants' invention is directed.

Therefore, since Trout and Lamburt, alone or in combination, fail to teach or suggest the invention as claimed in claims 1 and 24, these claims are now in condition for allowance.

The Office Action rejected claims 2-7 as being unpatentable over Trout and Lamburt in view of particular references (claim 2: U.S. Patent No. 6,094,706 to Factor et al.; claim 3: U.S. Patent No. 5,590,301 to Guenthner et al.; claim 4: U.S. Patent No. 6,785,704 to McCanne; claim 5: U.S. Patent No. 6,415,359 to Kimura et al.; claims 6-7: U.S. Patent No. to 6,233,606 to Dujari). Applicants respectfully traverse the rejections of claims 2-7 for at least substantially the same reasons as presented above with respect to claim 1, from which they depend. Applicants submit that these claims are not rendered obvious by the suggested combinations of references and are therefore allowable.

The Office Action rejected claim 11 as being unpatentable over Wu in view of U.S. Patent No. 6,330,561 to Cohen et al. Applicants respectfully traverse this rejection for at least substantially the same reasons as presented above with respect to claim 8, from which claim 11 depends. Applicants submit that claim 11 is not rendered obvious by the suggested combination of references and is therefore allowable.

The Office Action rejected claims 13, 18-20, and 22-23 as being unpatentable over Wu in view of particular references (claim 13: Lamburt, Cohen, and U.S. Patent No. 6,591,341 to Sharma; claim 18: Lamburt and Factor; claim 19: Lamburt; claim 20: Lamburt and Sharma; claim 22-23: Dujari). Applicants respectfully traverse the rejections of these claims for at least substantially the same reasons as presented above with respect to claim 12, from which they

depend. Applicants submit that these claims are not rendered obvious by the suggested combinations of references and are therefore allowable.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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